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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,520	02/15/2001	Edward P. Bagdonas	22491-010	2403

30623 7590 08/27/2004

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EXAMINER

DAY, HERNG DER

ART UNIT PAPER NUMBER

2128

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/784,520	<b>Applicant(s)</b> BAGDONAS ET AL.	
	<b>Examiner</b> Herng-der Day	<b>Art Unit</b> 2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-13 have been examined and claims 1-13 have been rejected.

#### *Drawings*

2. The drawings are objected to for the following reasons. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application.

- 2-1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include, for example, the following reference signs mentioned in the description:

- (a) proposal 165, as described in line 17 of page 7.
- (b) proposal 167, as described in line 19 of page 7.

- 2-2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include, for example, the following reference signs not mentioned in the description:

- (a) 2 and 17, in Fig. 1.
- (b) 161, 172, 181, and 191, in Fig. 3.
- (c) 280, 281, 290, 291, and 292, in Fig. 5.
- (d) 310, 330, and 340, in Fig. 6.
- (e) 580 and 581, in Fig. 8.
- (f) 581, in Fig. 9.

- 2-3. Fig. 5 displays many kinds of lines. A legend will be very helpful to particularly point out all the different meanings.

***Specification***

3. The disclosure is objected to because of the following informalities:

Appropriate correction is required.

3-1. It appears that “Jini lookup services control 2221”, as described in line 16 of page 10, should be “Jini lookup services control 221”.

3-2. It appears that “engagement manager 256”, as described at pages 10-11, should be “engagement manager 251”.

3-3. It appears that “configuator”, as described at pages 11-12, should be “configurator”.

4. The Examiner requests detailed information, e.g. user’s manual, regarding Web Turbine of WHEELHOUSE as shown in Figures 5, 8-9, and 11-17 because they appear to be reasonably necessary to the examination of this application and cannot be found.

***Claim Objections***

5. Claims 8, 9, and 11 are objected to because of the following informalities. Appropriate correction is required.

5-1. Regarding claim 8, there is no period to end the claim.

5-2. Regarding claim 9, “in a respository”, as described in lines 2-3 of the claim. (Emphasis added.)

5-3. Regarding claim 11, “said ate least one asset”, as described in line 4 of the claim. (Emphasis added.)

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2-3 and 8-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7-1. Claim 2 recites the limitation “executes said assets” in line 3 of the claim. It is indefinite about the “said assets” because both claim 1 and claim 2 recite “assets”. In other words, it is unclear which of the following assets are referred to by the “said assets”, (1) “a plurality of assets”, (2) “at least one asset”, or (3) the retrieved “assets”. Furthermore, it is unclear whether the retrieved “assets” refer to the selected “at least one asset”. For the purpose of claim examination, the Examiner will presume that “said assets” refers to “said retrieved assets” and the retrieved “assets” refer to the selected “at least one asset”.

7-2. Claim 3 recites the limitation “execution of said assets” in lines 2-3 of the claim. It is indefinite about the “said assets” because both claim 1 and claim 2 recite “assets” as detailed in section 7-1 above. For the purpose of claim examination, the Examiner will presume that “execution of said assets” refers to “execution of said retrieved assets” and the retrieved “assets” refer to the selected “at least one asset”.

7-3. Claim 8 recites the limitation “said plurality of artifacts” in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

7-4. Claim 12 recites the limitation “executing said at least one asset” in line 5 of the claim. However, this limitation has already been recited in the independent claim 8.

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7-5. Claims not specifically rejected above are rejected as being dependent on a rejected claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah, U.S. Patent 6,742,015 issued May 25, 2004 and filed August 31, 1999.

9-1. Regarding claim 1, Bowman-Amuah discloses an engagement modeling system comprising:

a repository for storing a plurality of artifacts corresponding to an engagement (Repository 5006, Fig. 50);

a library having a plurality of assets, wherein said assets are processes which utilize at least one of said plurality of artifacts for use in an engagement (Example Tools 5004 and Example Deliverables 5002, Fig. 50); and

means for selecting at least one asset from said library of assets and for executing said at least one asset (Example Deliverables 5002, Fig. 50).

9-2. Regarding claim 2, Bowman-Amuah further discloses said means for selecting includes an application server which receives a user request, retrieves assets corresponding to said user

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request from said library, and executes said retrieved assets (netcentric architecture, Fig. 10 and relationship in Fig. 50).

9-3. Regarding claim 3, Bowman-Amuah further discloses said application server further retrieves artifacts from said repository in connection with execution of said retrieved assets (Repository 5006 and Common Information Model 5008, Fig. 50).

9-4. Regarding claim 4, Bowman-Amuah further discloses said library includes:  
asset storage containing said assets (Storage 5106, Fig. 51); and  
metadata storage containing metadata corresponding to and identifying each asset in said asset storage (stored as additional data, column 235, lines 40-51).

9-5. Regarding claim 5, Bowman-Amuah further discloses said assets include at least one application package which references a plurality of assets in said library for execution (Example Deliverables 5002, Fig. 50).

9-6. Regarding claim 6, Bowman-Amuah further discloses said means for selecting includes a plurality of computers jointly operating in a distributed computing environment (netcentric architecture, Fig. 10).

9-7. Regarding claim 7, Bowman-Amuah further discloses comprising an asset editor for creating and adding assets to the library (Design Example Deliverables 5002 including Example Tools 5004, Fig. 50).

9-8. Regarding claim 8, Bowman-Amuah further discloses a method for modeling service engagements comprising the steps of:

storing a plurality of assets in a library, wherein said assets are processes (Example Tools 5004 and Example Deliverables 5002, Fig. 50) which utilize at least one of said plurality of



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artifacts for use in an engagement (Repository 5006 and Common Information Model 5008, Fig. 50);

selecting at least one asset from said library of assets (Construction Example Deliverables 5002 including Example Tools 5004, Fig. 50); and

executing said at least one asset (Analysis of Example Deliverables 5002 using Example Tools 5004, Fig. 50).

**9-9.** Regarding claim 9, Bowman-Amuah further discloses comprising the step of:

storing at least one artifact created during execution of said at least one asset in a repository (Recommended Artifact Storage 5106, Fig. 51).

**9-10.** Regarding claim 10, Bowman-Amuah further discloses comprising the step of:

accessing a repository of artifacts for use during execution of said at least one asset (Repository 5006 and Common Information Model 5008, Fig. 50).

**9-11.** Regarding claim 11, Bowman-Amuah further discloses comprising the steps of:

executing at least a second asset which accesses (Analysis of Example Deliverables 5002 including other Example Tools 5004, Fig. 50); and

accessing an artifact in said repository which was accessed during execution of said at least one asset, for use during execution of said at least a second asset (Repository 5006 and Common Information Model 5008, Fig. 50).

**9-12.** Regarding claim 12, Bowman-Amuah further discloses selecting step includes the steps of:

receiving a user request (Client wishes to find some Services, Fig. 74);

retrieving at least one asset from said library corresponding to said user request (Example Tools 5004 included in the Example Deliverables 5002, Fig. 50).

**9-13.** Regarding claim 13, Bowman-Amuah further discloses said at least one asset is an application package which references at least one other asset stored in said library, and wherein said executing step includes the steps of:

executing said application package (Analysis of Example Deliverables 5002, Fig. 50);  
retrieving said at least one other asset from said library in response to execution of said application package (other Example Tools 5004 included in the Example Deliverables 5002, Fig. 50); and

executing said at least one other asset (Analysis of Example Deliverables 5002 including the other Example Tools 5004, Fig. 50).

### ***Conclusion***

**10.** The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Reference to Braddy, U.S. Patent 6,141,759 issued October 31, 2000, is cited as disclosing a request broker software system.

Reference to Tibbetts, U.S. Patent 6,158,044 issued December 5, 2000, is cited as disclosing a proposal based architecture system.

Reference to Findeisen, "The Metaview System", [citeseer.ist.psu.edu/19330.html](http://citeseer.ist.psu.edu/19330.html), June 1994, pages 1-11, is cited as disclosing a CASE meta-system divided into three levels.

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Reference to Constantopoulos et al., "The Software Information Base: A Server for Reuse", VLDB Journal: Very Large Data Base, Volume 4, number 1, 1995, pages 1-43, is cited as disclosing an experimental software repository system for reusable software components.

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (703) 305-5269. The Examiner can normally be reached on 9:00 - 17:30.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Jean Homere can be reached on (703) 308-6647. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Herng-der Day *H.D.*  
August 23, 2004

*Nhay Phan*  
*Thai Phan*  
*Patent Examiner*  
*AU: 2128*